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LETTER DATED 13 APRIL 1998 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that the National Assembly of Burundi organized a week-long parliamentary conference in Bujumbura from 16 to 21 March 1998 on the problems of restoring peace, identifying, suppressing and eradicating the crime of genocide, and national reconciliation in Burundi.

I hereby transmit to you, for the information of the members of the Security Council, the conclusions and recommendations of this important national forum.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

98-10609 (E) 170498 170498

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Annex

Conclusions and recommendations of the week-long parliamentary conference on the problems of restoring peace, identifying, suppressing and eradicating the crime of genocide, and national reconciliation in Burundi

I. PREAMBLE

The National Assembly of Burundi organized a week-long parliamentary conference at the Kigobe Palais des Congrès from 16 to 21 March 1998 on the problems of restoring peace, identifying, suppressing and eradicating the crime of genocide, and national reconciliation in Burundi.

The following took part in the conference:

1. Representatives of the people;

2. Members of the Government;

3. Advisers to the President and to the Primate;

4. Representatives of recognized political formations;

5. Representatives of civil society;

6. Representatives of the magistrature;

7. Representatives of religious denominations;

8. Representatives of the defence and security forces;

9. Representatives of the national councils (unity, bashingantahe (leaders), security, economic and social).

The purpose of this week-long conference was to enable the participants to appreciate different points of view, jointly diagnose the conflict in Burundi and identify its underlying and immediate causes, and suggest specific solutions to halt the violence and guarantee peace, security, trust and social and political stability in the country.

Four sub-themes were examined, namely:

1. The problem of restoring peace in Burundi;

2. The identification, prevention, suppression and eradication of the crime of genocide in Burundi;

3. The process of national reconciliation;

4. The constitutional and institutional mechanisms for the administration of a democratic State.

At the end of their fruitful, varied and complementary discussions, the participants in the week-long parliamentary conference,

- Considering that Burundi has experienced more than 30 years of internal strife which has become deep-rooted and grown more complex with the passage of time;

- Given that the various crises which have rocked the country have been punctuated by bloodlettings and massacres of the population;

- Noting that the crime of genocide is a crime against humanity and that it should be prevented, suppressed and eradicated;

- Noting that war and violence can under no circumstances settle a problem between brothers belonging to a single nation;

- Recognizing that political consensus resulting from a frank and sincere dialogue is the only way to re-establish peace and trust between the various constituent parts of the nation;

- Noting that the demonization of others, suspicion and vengeance undermine all attempts at reconciliation and a solution to the problems facing Burundi;

For all these reasons, the participants adopt the following conclusions and recommendations:

II. CONCLUSIONS AND RECOMMENDATIONS

A. The problem of restoring peace in Burundi

1. The participants, having given careful and lengthy consideration to the issue of peace and national unity, declare that Burundi should remain a unitary State in which Burundians of all social groups should live together peacefully.

2. All the participants believe that, in order to restore peace in Burundi, the war must cease. They urge all the armed parties to the conflict to reject the logic of confrontation in order to create an ideal framework to negotiate a lasting peace.

3. The participants appreciated and encouraged the ongoing initiatives in the context of internal dialogue and meetings with the Burundian diaspora. They recommend that comprehensive negotiations between all the parties to the conflict in Burundi should start as soon as possible. They also expressed the wish that Burundians inside the country should reach agreement on a common position with regard to the negotiations.

4. The Government, the National Assembly, the representatives of recognized political parties and all officials who have direct contact with the people should demonstrate a clear political will in favour of peace.

B. Identification, prevention, suppression and eradication of the crime of genocide in Burundi

1. Concerning the crime of genocide, the participants, referring to the definition contained in the Convention on the Prevention and Punishment of the Crime of Genocide, recommend avoiding speculations of a political nature and not vulgarizing this crime against humanity.

2. They request the Government to demand that the United Nations establish an international commission of inquiry with a judicial mandate to identify and characterize all the crimes committed in Burundi from the independence years to the present and attribute responsibility for them.

3. They also request the Government to demand the establishment of an international criminal tribunal to try all the perpetrators and punish the acts of genocide to be identified.

4. Pending the establishment of such a tribunal, the participants recommend that the courts and tribunals of Burundi refer to the existing law in punishing in an impartial manner all the crimes committed.

5. The participants are of the view that good governance, a permanent dialogue, education aimed at instilling respect for human rights and especially the right to life and the peaceful management of conflicts are the best means of preventing and eradicating the crime of genocide.

6. They propose national solidarity among all Burundians so that they can fight together against ideology and acts of genocide, which are a real threat to the Burundian nation.

C. National reconciliation

1. Reconciliation is a long-term task. It will require the gradual resolution of such sensitive issues as the right to life, the question of minorities, education, justice, the defence and security forces, the economy, employment and the land question.

2. A sound administration of justice is a catalysing element of reconciliation. The participants recommended that the specific problems facing the Burundian judicial system should be well targeted and redressed. These include corruption, biased judgements, impunity, false testimony and ethnic composition. It is therefore necessary to strengthen and support the judicial system.

3. Some ancestral values, such as that of ubashingantahe, have demonstrated their effectiveness in the management of social conflicts. The participants

recommend enhancing the status of and reinvigorating this institution, which could play an important role in mediation, conciliation and providing guidance to the population.

4. The participants recommended to the regional and local authorities that the existing social justice measures relating to the restoration of property stolen during the various crises should be reviewed in order to avoid lapses and the deprivation of some people for the benefit of others. Thus, with a view to strengthening social justice at the local level, they recommended that human rights commissions including the various components of the Burundian nation should be established in each province and municipality.

5. In the area of security for all, the participants recommended that specific proposals relating to the restructuring of the defence and security bodies should be submitted to the competent authorities as soon as possible.

6. The participants recommend that consideration be given to ways and means of instituting a voluntary reconciliation framework that would take the form of a Burundian-style truth and reconciliation commission.

7. They requested the Government to promote reconciliation by providing civic education to the entire population, avoiding frustrating acts and speech and combating negative solidarity.

8. The participants agree that reconciliation will also require the rehabilitation of persons who have been injured (displaced, scattered, regrouped and forced to flee) in terms of their property and human dignity. It is recommended that the Government formulate a clear policy in this area as soon as possible.

9. Rehabilitation requires the consent of everyone. State institutions, the Burundian elite and the entire population have been called upon to cooperate in the reconciliation effort through exemplary attitudes, writings and speech.

D. Constitutional and institutional mechanisms

1. Having noted the existence of a conflict over the background texts (the Constitution of 1992 and the Decree-Law of 1996 organizing the transition system), the participants recommended that the National Assembly and the Government should devise means of establishing a consensus transition text.

2. The participants recommend the establishment of inclusive State structures in which all the components of the population will be represented, including in the national Government, Parliament, local government, the defence and security forces, the judiciary and the parastatal companies.

III. CONCLUSION

The participants thank the National Assembly for organizing this parliamentary conference, which has enabled Burundians from all walks of life to speak out on the vital issues facing the country in a fraternal and convivial atmosphere. They express the hope that gatherings of this type will increase, as they offer opportunities for a convergence of views and, accordingly, a starting point for reconciliation.

The participants thank the Government and all the national and international organizations near and far which contributed to the success of this parliamentary conference.

Bujumbura, 20 March 1998